UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ILLINOIS BENTON DIVISION

HUNTER ASH,)
Plaintiff,) Case: 3:23-cv-00771-RJD
v.)
HELP AT HOME, LLC,)
Defendant.)))
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PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff, Hunter Ash ("Plaintiff"), by and through the undersigned counsel, hereby files this Unopposed Motion for Leave to File First Amended Complaint, and in support thereof, states as follows:

- 1. On March 2, 2023, Plaintiff filed his Complaint seeking redress for alleged violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C § 2000(e) *et seq.*, against Help At Home, LLC ("Defendant"). [Dkt. No. 1].
- 2. Defendant filed a Motion to Dismiss for failure to state a claim on May 4, 2023. [Dkt. No. 23].
- 3. Plaintiff requests leave to amend this Complaint to address Defendant's concerns they raised in their Motion to Dismiss. (see Plaintiff's First Amended Complaint, attached hereto as Exhibit "A").
- 4. Pursuant to Fed. R. Civ. P. 15(a)(2), a court should freely give a party leave to amend its pleading when justice requires. *See* Fed. R. Civ. P. 15(a)(2).

5. "Rule 15(a) declares that leave to amend 'shall be freely given when justice so

requires'; this mandate is to be heeded. If the underlying facts or circumstances relied upon by a

plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim

on the merits." Foman v. Davis, 371 U.S. 178, 182 (1962).

6. A District Court may deny a motion to amend where there is "undue delay, bad

faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by

amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of

the amendment, futility of amended, etc." Id.

7. Justice would be served if Plaintiff is granted leave to amend her Complaint.

8. Plaintiff's Motion for Leave to Amend is not brought for purposes of causing undue

delay, nor is it the result of bad faith or other dilatory motive. This is Plaintiff's first request to

amend his Complaint and Defendant will not suffer any prejudice as a result of the amendment.

WHEREFORE, Plaintiff respectfully requests this Court to enter an order granting Plaintiff

leave to file his First Amended Complaint (attached hereto as Exhibit "1") and to grant any other

relief deemed just and proper.

Dated this 5th day of June, 2023.

/s/ Chad W. Eisenback

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 2023, a true and correct copy foregoing has been provided electronically via electronic mail and/or via U.S. mail to all parties of record via CM/ECF.

/s/ Chad W. Eisenback CHAD W. EISENBACK, ESQ.